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State of California and Michael Bell

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 EDGAR SOLIS,

12
13 Plaintiff,

14 vs.

15 STATE OF CALIFORNIA; MICHAEL
16 BELL; and DOES 1-10, inclusive,
17 Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[Honorable Hernán D. Vera]
Magistrate Judge Jean P. Rosenbluth

**DEFENDANTS' [PROPOSED] VOIR
DIRE**

Final Pretrial Conference:

Date: October 8, 2024

Time: 10:00 a.m.

Trial:

Date: October 29, 2024

Time: 09:00 a.m.

Place: Courtroom 10D

22
23 **PLEASE TAKE NOTICE** that Defendants, State of California and Michael
24 Bell, hereby propose the following voir dire questions for the trial of this matter,
25 which is currently scheduled to take place on October 29, 2024, in Courtroom 10D
26 of the above-entitled court, the Honorable Hernán D. Vera presiding.

27 //

28 //

1 Dated: September 24, 2024

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 Norman Morrison
5 Supervising Deputy Attorney General

6 /s/ DAVID KLEHM
7 DAVID KLEHM
8 Deputy Attorney General
9 *Attorneys for Defendants*
10 *State of California and Michael Bell*
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PROPOSED VOIR DIRE QUESTIONS

PREVIOUS LAWSUITS/JUROR SERVICE

1. During the past five years, have any of you served on a jury or been excluded from a jury? If yes:
 - a. Was it a civil or a criminal case?
 - b. If civil, what, in general, was the case about?
 - c. Without telling me the outcome, or who won, please tell me whether or not the jury reached a verdict.
 - d. Were you ever the foreperson?
2. Have you, or has anyone in your immediate family, ever sued someone or been sued by someone? If yes:
 - a. Who (you or a family member) was the party to the case?
 - b. Was the person a plaintiff or a defendant?
 - c. What was the nature of the case?
 - d. Was it tried by jury? Outcome? Do you feel that you or your family member was treated fairly? Do you feel the justice/court system treated you fairly?
3. Have any of you ever been a witness in state or federal court in any lawsuit, civil or criminal? If yes:
 - a. Did you testify for the plaintiff or the defendant? If yes, did you feel like you were treated fairly by the attorney questioning you?
 - b. What was the nature of the case?

LAW GENERALLY

4. Have you, or has anyone in your immediate family, attended law school or had any other training in the law?
5. Do any of you have any specific feelings or opinions about lawsuits, lawyers or the parties who bring lawsuits, either positive or negative?

1 6. Do any of you have any specific feelings about the size of jury awards,
2 either positive or negative?

3 7. Do any of you generally assume that a lawsuit must be valid if the case
4 makes it to trial?

5 **FAMILIARITY WITH CASE, PARTIES, JURORS**

6 8. [After introductions of court staff and attorneys:] Do you, or someone
7 close to you, know any of the court staff, lawyers, or law firms in this
8 case?

9 9. [After reading list of parties and potential witnesses in the case.] Do you,
10 or someone close to you, have any experience or association with any of
11 the parties or potential witnesses in this case?

12 10. Do you or someone close to you have any experience or association with
13 the California Highway Patrol or anyone who works for the California
14 Highway Patrol? Please explain.

15 11. Have you, or has anyone close to you, ever had a negative experience
16 with the California Highway Patrol or anyone who works for the
17 California Highway Patrol? If yes [*side bar*], please describe what
18 happened and who was involved. Is it possible that those experiences
19 could affect your ability to be an entirely fair and impartial juror in this
20 case given that an officer of the California Highway Patrol is a party in
21 the case?

22 12. Prior to arriving in the courtroom today, had you heard or read anything
23 about this case? [If so:] Because of what you have read or heard, do you
24 have any opinions about this case?

25 13. Did you know or recognize anyone else in the jury pool before coming
26 here today? If so, how do you know each other, and will your
27 relationship affect you if you both end up on the jury?
28

POLICE

14. Have any of you, any member of your family, or friends had personal contact with a police officer? If yes, please explain.
15. Do you believe police in your community do a good job?
16. Have you or any member of your family, or any close friend, been arrested or charged with a crime? Describe what occurred. Do you have strong feelings about that experience? Describe those feelings.
17. Have any of you, any member of your family, or friends ever been the victim of what you thought was police harassment, brutality or other police misconduct? If yes, please explain.
18. Have any of you ever witnessed an incident that you believe was police brutality, either in person or on a TV or internet video? If so, has it affected your feelings about police officers?
19. Have any of you or anyone close to you ever made a complaint against police officer or against a police department? If so, what was the nature of the complaint?
20. Have any of you ever called law enforcement for help? Were you treated fairly?
21. Do any of you have feelings about whether police are ever justified in shooting a person evading arrest for a felony crime? If yes, please explain.
22. Have you ever participated in an online discussion on a website such as Facebook, Reddit, a blog, or an internet comment feed regarding a police shooting? If yes, please explain.
23. Have you ever attended a protest or demonstration relating to police officer misconduct? If yes, please explain.

1 24. Do any of you have any feelings about police officers which may affect
2 your ability to serve as a fair and impartial juror in this case? If so, please
3 describe those feelings.

4 25. Do any of you claim to have any special knowledge or expertise with
5 respect to the law relating to investigation, detention, arrest, pursuit, or
6 firearms/weapons by peace officers? If your answer is yes, what kind of
7 knowledge or expertise do you have and how did you obtain such
8 knowledge or expertise?

9 26. Did you see the video of the George Floyd incident? Do you believe the
10 force was excessive? Would you be able to set aside your opinions of the
11 George Floyd incident and decide this case based on the facts and
12 evidence presented to you in this trial?

13 **STATE OF CALIFORNIA/CALIFORNIA HIGHWAY PATROL**

14 27. Has anyone had any, significant interactions, good or bad, with an agency
15 or employee of the State of California?

16 28. Does anyone think that a case involving a state employee should be
17 handled different than a case against a private citizen?

18 29. Have you heard anything, good or bad, regarding the reputation of the
19 California Highway Patrol? If so, please explain.

20 30. Have any of you read or heard any negative media reports concerning the
21 California Highway Patrol that would impact your ability to be fair to the
22 officer being sued in this case?

23 **EMOTIONAL TESTIMONY**

24 31. Do any of you think you will you be influenced if a witness cries on the
25 stand or is emotional when testifying?

26 **GENERAL/CLOSING**

27 32. Do any of you have any reluctance about serving as a juror?
28

- 1 33. Is there anyone who would feel any reluctance in joining the discussion
- 2 with the members of the jury during deliberations?
- 3 34. Would any of you feel offended if other members of the jury disagreed
- 4 with your view of the evidence?
- 5 35. Would any of you be unwilling to listen to a fellow juror who disagreed
- 6 with you?
- 7 36. Is there anyone who would be unwilling to speak up and try to persuade
- 8 other members of the jury who disagreed with your view of the
- 9 evidence?
- 10 37. Is there anyone who would be unwilling to change an opinion if, after
- 11 listening to the arguments of the other members of the jury, you were
- 12 persuaded that your opinion was wrong?
- 13 38. In a trial the plaintiffs put on their evidence first, and then the defendant
- 14 has the opportunity to put on his evidence. Do any of you think you
- 15 might have difficulty keeping an open mind regarding this case until you
- 16 have heard all the evidence and I have instructed you on the law?
- 17 39. If you are selected to sit as a juror, will you be able and willing to render
- 18 a verdict solely on the evidence presented at the trial and the law as I
- 19 instruct you and not based upon your emotions, or any preconceived
- 20 notions about the facts or the law in this case? Is there anyone who
- 21 thinks he or she cannot do that?
- 22 40. Do you understand that you must follow my instructions regarding the
- 23 law whether you agree with the law or not? Is there anyone who thinks
- 24 he or she cannot do that?
- 25 41. As a juror, you may have to resolve conflicts in the testimony of
- 26 witnesses. This means you may have to decide whether to believe or
- 27 reject all or part of a witness's testimony or who is telling the truth. Is
- 28 there any juror who feel this is not something he or she can do?

- 1 42. Can you think of any experience in your life or any other matter which
2 occurs to you now that you think you should bring to my attention
3 because it may have some bearing on your ability to be fair as a juror in
4 this case?
- 5 43. From what you have heard about this case thus far, is there anything that
6 causes any of you to believe that you cannot be fair and impartial as a
7 juror in this case?
- 8 44. Is there anything you have seen or heard so far that you think may affect
9 your ability to be fair and impartial to the parties that you have not told
10 us about up to now?
- 11 45. Do you have any bias or prejudice, for or against, any of the parties or
12 attorneys in this case?
- 13 46. Is there any reason at all why you cannot be absolutely fair to the
14 plaintiffs in this case?
- 15 47. Is there any reason at all why you cannot be absolutely fair to the
16 defendant in this case?
- 17 48. Is there anything that you have not been asked that might affect your
18 ability to serve as a juror that you think the Court or parties should
19 know?
- 20 49. Is there anything you would prefer to discuss in private?
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CERTIFICATE OF SERVICE

Case Name: Edgar Solis v. County of Riverside, et al. No. 5:23-cv-00515-HDV-JPR

I hereby certify that on September 24, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **DEFENDANTS' [PROPOSED] VOIR DIRE**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 24, 2024, at San Francisco, California.

G. Guardado
Declarant

/s/ G. Guardado
Signature